

Serial No. 10/052,828
Morgan et al
Case No. CE08491R

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Pursuant to Applicants' amendments, claims 1-2, 4-20, 22-37 are currently pending. In this Amendment, Applicants amend claims 1, 2, 4-6, 11, 19, 22 and 30. Applicants also add new claims 38 and 39.

In the Final Office Action, claims 2 and 4-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with Applicants regards as the invention. Applicant has amended claims 2 and 4-6 by deleting the term "controlling" for which there was no antecedent basis and inserting the term "discontinuing," which replaces "terminating" in claim 1 upon which claims 2 and 4-6 depend. As each and every limitation in claims 2 and 4-6 have the necessary antecedent basis, Applicant respectfully submits that the rejected claims particularly point out and distinctly claim the subject matter that Applicants regards as the invention. It is therefore respectfully requested that the rejection under Section 112, second paragraph, be withdrawn.

Claims 1, 2, 4-5, 11-16, 19-20, 22-23, and 29-35 were rejected under 35 U.S.C. § 102(a) as being anticipated by Applicants' admitted prior art. In the Office Action, it is stated that the Specification on page 1, line 23 to page 2, line 10 discloses the present invention as provided in claims 1, 11, 19, and 29-30. Moreover, it is stated that "terminate" is taken to mean either (i) stop transmission or (ii) direct a phone call to its destination such that "terminating a transmission in response to a trigger event" could be direct a phone call to a called party when a calling party dials the number of the called party.

Applicants disagree that "terminating" or "terminate" can have more than one meaning based on the totality of the circumstances and a complete reading of the Specification. Nonetheless, Applicants amend claims 1, 2, 4-6, 11, 19, 22 and 30 to overcome the rejection. In particular, Applicants replace the words "terminating" and "terminate" with "discontinuing" and "discontinue," respectively, to denote that the transmission via the first communication resource on the reverse link is stopped. The specification supports this amendment to the claims on Page 6, lines 13-22. As described

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there and other places throughout the Specification, no data is sent over a channel when transmission of data is discontinued. In other words, data transmission is stopped or terminated when it is discontinued.

In view of the amendment to the claims, Applicant respectfully submits that claims 1, 11, 19, and 29-30 are not anticipated under 35 U.S.C. § 102(a) by Applicants' admitted prior art. As claims 2, 4-5, 12-16, 20, 22-23 and 31-35 depend upon independent claims 1, 11, 19 and 30 and include each and every limitation of the independent claims, it is respectfully submitted that those dependent claims are also not anticipated under 35 U.S.C. § 102(a) by Applicants' admitted prior art. It is therefore respectfully requested that the rejection under Section 102(a) be withdrawn.

In the Final Office Action, claims 7, 9-10, 18, 25, 27-28, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 6,108,550 to Wiorek et al. In addition, claims 8, 17, 26, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of United States Patent No. 6,011,960 to Yamada et al. Neither Wiorek nor Yamada supply the necessary teaching regarding discontinuing of transmission of mobile information in response to a trigger event. Wiorek and Yamada also do not use the "discontinuing" or "discontinue" in the context as described above. Thus, no combination of Wiorek, Yamada and Applicants' admitted prior art teach or otherwise suggest all the limitations found in claims 7-10, 17-18, 25-28 and 36-37. It is therefore respectfully requested that the rejections under Section 103(a) be withdrawn.

Applicants note with appreciation that claims 6 and 24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. In response, Applicant has added new claims 38 and 39 which correspond to allowable claims 6 and 24, respectively. As they, Applicants request allowance of these new claims.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants

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respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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